

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

BRANDON McFADDEN,

Plaintiff,

-against-

NEW YORK STATE DIVISION OF PAROLE;
DEPARTMENT OF CORRECTION; NASSAU
COUNTY CORRECTION; RIKERS ISLAND;
NICOLE CANTO; IRWIN DAVIES,

Defendants.

X

ROSLYNN R. MAUSKOPF, United States District Judge:

**ORDER AND
CIVIL JUDGMENT**
12-CV-6075 (RRM) (VVP)

On December 6, 2012, plaintiff, currently incarcerated at Rikers Island, filed this *pro se* action pursuant to 42 U.S.C. § 1983, alleging that his “double je[o]pardy rights” were violated when defendants re-issued him a state identification number from an expired sentence. (Doc. No. 1.) By Order dated December 27, 2012, plaintiff’s claims against defendants New York State Division of Parole, Department of Correction, Nassau County Correction, Rikers Island, Nicole Canto, and Irwin Davies were dismissed because he failed to allege a constitutional violation. (Doc. No. 5.) In an abundance of caution, and because it was unclear what other claims plaintiff may have been seeking to allege, the Court gave plaintiff thirty days to file an amended complaint. (*Id.* at 5.)

On January 31, 2013, plaintiff submitted the Amended Complaint, which merely reiterates the claim he made in his original complaint and fails to set forth any other basis for relief. (Doc. No. 6.) As such, and for the reasons stated in the Court’s December 27, 2012 Order, the amended complaint fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). Accordingly, it is,

ORDERED, ADJUDGED AND DECREED: that this action is hereby dismissed.

The Clerk of Court is directed to mail a copy of this Order and Judgment to plaintiff, and to close the file.

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
March 31, 2013

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge